



Docket No.: 206677US6

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

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RE: Application Serial No.: 09/854,475

Applicants: Naomi GO

Filing Date: May 15, 2001

For: INFORMATION-PRESENTING APPARATUS,
INFORMATION-PRESENTING METHOD,
INFORMATION-PROCESSING APPARATUS,
INFORMATION-PROCESSING METHOD AND
PROGRAM-STORING MEDIUM

Group Art Unit: 2154

Examiner: Kenny S. LIN

SIR:


Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

NAOMI GO

SERIAL NO: 09/854,475

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RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
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SIR:

In response to the Restriction Requirement stated in the Official Action dated August 27, 2004, Applicants in the above-identified patent application provisionally elect Group II, Claims 7-10.

Applicants respectfully traverse the Restriction requirement for several reasons.

First, the outstanding Official Action bases the restriction on the finding that "The sub-combination has separate utility such as a holding means for holding a criterion for selecting." This conclusory reference to means-plus function claim terminology fails to show that the combination as claimed does not require the particulars of the sub-combination. Lacking such additional analysis as required by MPEP §806.05, it is respectfully submitted the PTO clearly has not carried forward its burden of proof to establish distinctness.

Second, the Restriction Requirement asserts that the application contains claims to distinct inventions. However, MPEP §803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention, as part of class 709, would appear to be of an overlapping search area. Accordingly, Applicants respectfully **traverse** the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

However, if the present Restriction Requirement is not withdrawn, examination on the merits of the Claims of Group II is believed to be in order, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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